

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper No. 

Filed by: Michael P. Tierney
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Board of Patent Appeals and Interferences
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July 30, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

FAXED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JUL 30 2003

PECHINEY EMBALLAGE FLEXIBLE EUROPE
Junior Party,
(Patent 6,437,064),

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

CRYOVAC, INC.,
Senior Party,
(Application 09/583,654 and 08/996,367).

Patent Interference No. 105,092 (MPT)

NOTICE REDECLARING INTERFERENCE

A telephone conference call was held on July 30, 2003 at approximately 11:00 a.m.

Participating in the conference call were:

1. Michael P. Tierney, Administrative Patent Judge
2. Michele Bosch and Mark Sweet, counsel for Cryovac.
3. Steven Szczepanski, Mary Jo Boldingh and Michael Sofocleous, counsel for Pechiney.

This conference call was held to discuss two errors that arose in the original Notice Declaring Interference. The errors involved: (1) Pechiney's claim correspondence; and (2) Cryovac's accorded priority benefit. As discussed during the conference call, the correct claim correspondence is as follows:

The claims of the parties are:

Pechiney, U.S. Patent No. 6,437,064: **1-39**
Cryovac, U.S. Application No. 08/996,367: 1-8, 10-24, 26-43, 46-56 and 61-64
Cryovac, U.S. Application No. 09/583,654: 1, 3-5 and 7-26

The claims of the parties that correspond to Count 1 are:

Pechiney, U.S. Patent No. 6,437,064: 1-3, 6-19 and **22-39**
Cryovac, U.S. Application No. 08/996,367: 1-8, 10-24, 26-43, 46-56 and 61-63
Cryovac, U.S. Application No. 09/583,654: 1, 3-5, 7, 10-14 and 20-26

The claims of the parties that do not correspond to Count 1 are:

Pechiney, U.S. Patent No. 6,437,064: 4, 5, 20 and 21
Cryovac, U.S. Application No. 08/996,367: 64
Cryovac, U.S. Application No. 09/583,654: 8, 9 and 15-19

Additionally, while not mentioned in Paper No. 1, Cryovac is accorded priority benefit of its earlier filed U.S. Application No. 09/962,825, filed November 3, 1997, now abandoned.

Both parties have an extensive number of applications claiming benefit of their earliest filed applications. To aid the Board in understanding the relationship between the various applications and patents, the Board requests that Pechiney file and serve a chart depicting the various patent family trees for any applications and patents claiming 35 U.S.C. §120 benefit of Pechiney's U.S. Application Nos. 08/481,617, 08/082,226, as well as U.S. Patent No. 6,437,064. Similarly, Cryovac is to file and serve a chart for applications claiming §120 benefit of U.S.

Application Nos. 09/583,654, 09/962,825, 09/018,657, 08/996,367, 08/747,241, 08/418,926, 07/976,122, 07/983,017. The charts shall indicate the status of the application/patent (pending, abandoned, expired, unexpired) and the basis upon which 35 U.S.C. §120 benefit is claimed (continuation, continuation-in-part, divisional, etc). The Board also requests that a copy of any pending and issued claims be filed and served. This submission will aid in the determination of whether any additional applications and patents should be added to the interference. This submission is due by no later than **August 13, 2003**.

Pechiney has not yet had a full and fair opportunity to review Cryovac's accorded priority benefit application 07/983,017 as this file was recently reconstructed. To allow Pechiney time to review this file and the parties time to review the exchanged benefit charts and claims, the APJ set the conference call for setting times for **September 10, 2003 at 11:00 a.m.** As noted during the conference call, the parties' lists of intended motions will be due two days prior to the conference call setting times.



MICHAEL P. TIERNEY
Administrative Patent Judge

cc (via Facsimile):

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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/583,654	05/30/2000 RULE -	428	1773	D-41939-10

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**** CONTINUING DATA *******

08/962,835 11/03/97 abandoned
THIS APPLICATION IS A CON OF 08/18,657 02/17/1993 ABN
WHICH IS A CIP OF 07/976,122 11/13/1992 ABN
WHICH IS A CIP OF 07/983,017 11/30/1992 ABN

**** FOREIGN APPLICATIONS *********IF REQUIRED, FOREIGN FILING LICENSE GRANTED**

** 07/27/2000

Foreign Priority claimed	<input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> Met after Allowance	SC	-	6	1
Verified and Acknowledged	Examiner's Signature	Initials			

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TITLE

Heat shrinkable films containing single site catalyzed copolymers having long chain branching

FILING FEE RECEIVED 690	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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